

Appl. No.: 09/918,394  
Amdt. Dated December 19, 2007  
Reply to Office Action of July 27, 2006

**REMARKS**

This amendment is submitted along with a request for a three month extension, a Petition for Revival and appropriate fees in reply to the Office Action dated November 28, 2006. Claims 2-4, 7-11, 14, 15, 19-22 and 24-29 currently stand rejected. Applicant has amended independent claims 21, 24, 26 and 28 to more particularly distinguish the claimed invention from the cited references.

The present application went abandoned for failure to respond to the Office Action of November 28, 2006. However, Applicants respectfully submit that the delay in responding to the Office Action was unavoidable due to an error of the Office in connection with the present application. In particular, Applicant filed papers changing the correspondence address, but the currently outstanding Office Action was mailed to the wrong address and was not received by Applicant's attorneys. Specifically, Applicant filed a paper revoking the prior Power of Attorney and establishing Power of Attorney and a new correspondence address with Applicant's present attorneys on October 27, 2006. Despite the fact that the correspondence address should have been changed, the outstanding Office Action was mailed to the prior address on November 28, 2006. Similarly, the Notice of Abandonment that was issued on June 29, 2007 was also mailed to the prior address and was not received by Applicant's attorneys. Of note, the Notice was returned undelivered from the prior address. Accordingly, Applicant's attorneys were never aware of either the outstanding Office Action or the Notice of Abandonment until a routine check due to extensive delay revealed the existence of the present situation. As such, Applicant respectfully requests revival of the present application in accordance with the Petition for Revival provided herewith.

Applicant also submits herewith another copy of the previously filed Power of Attorney and requests that the correspondence address be changed accordingly.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

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**Claim Rejections - 35 USC §112**

Claims 2-4, 7-11, 14, 15, 19-22 and 24-29 currently stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action asserts that the phrase, “independent of an input from a user of the mobile station” lacks support in the specification. Applicant respectfully asserts that the above quoted phrase is supported in the specification at least by virtue of the disclosure at page 6, lines 7-8, which provides that, “The mobile station, responsive to detection of the download-parameter request signal, initiates a data message request to initiate a data connection between the mobile station and the server...” Thus, in response to the request, the mobile terminal (without any mention of the user providing an input) initiates the data connection. Accordingly, Applicant respectfully submits that there is support for the recited phrase provided by the specification in each of independent claims 21, 24, 26 and 28. Accordingly, Applicant respectfully submits that the rejections of independent claims 21, 24, 26 and 28, and by virtue of dependency also claims 2-4, 7-11, 14, 15, 19, 20, 22, 25, 27 and 29 under 35 U.S.C. §112, first paragraph, are overcome.

**Claim Rejections - 35 USC §103**

Claims 2-4, 7-11, 14, 15, 19-22 and 24-29 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over to Vanttila et al. (U.S. Patent No. 5,794,142, hereinafter “Vanttila”) in view of Hansson (U.S. Patent No. 6,023,620).

As an initial matter, Applicant respectfully submits that the independent claims are patentable over the combination of Vanttila and Hansson for at least the reasons provided in Applicant’s prior response, which were apparently disregarded in light of the rejection under 35 U.S.C. §112, first paragraph. Having illustrated above that the claimed invention is supported in the specification, Applicant respectfully submits that the claimed feature establishing a direct data call connection directly with the mobile station independent of an input from a user of the mobile station, should be given patentable weight. Accordingly, since, for the reasons provided in Applicant’s prior response, Vanttila and Hansson fail either alone or in combination

to teach or suggest the above underlined feature, the independent claims are patentable over the cited references.

Despite these reasons for patentability of the claimed invention, Applicant has amended the independent claims to further patentably distinguish over the cited references. In this regard, for example, Applicant has amended independent claim 21 to recite, *inter alia*, establishing a direct data call connection directly with the mobile station, the direct data call connection, once formed, for downloading the at least the first mobile-station operational parameter, the first mobile-station operational parameter being repeatedly used pursuant to subsequent communications.

The present application is directed to a technique for downloading an operational parameter to a mobile-station. As its name suggests, an operational parameter is a parameter utilized by the mobile-station during subsequent operation, such as subsequent communication. In one embodiment, a network part includes a download parameter initiation signal generator for notifying a network node and, more particularly, for notifying a download parameter request signal generator of the network node, of an operational parameter to be updated or otherwise provided to the mobile station. The download parameter request signal generator of the network node then transmits a short message service (SMS) message to the mobile-station notifying the mobile-station of the operational parameter that could be updated. As described, for example, at page 11, lines 4-8 and page 6, lines 7-9 of the specification as filed, when the message is detected, a direct call connection is established between the network part in the form of a data call connector and the mobile-station in which the operational parameter is provided to the mobile-station for use during subsequent communications. As further indicated at page 3, lines 6-8 of the specification as filed, in some instances, the operational parameter is necessary to permit continued operation of the mobile station. Thus, the use of the operational parameter during subsequent operations implies, as is now explicitly stated, that the use of the operational parameter itself is repeated. In other words, the operational parameter is not merely used one time to execute a particular function, but is instead used repeatedly during subsequent operations.

Vantila describes a technique for adding to or changing the functionality of a mobile station by transmitting an SMS message to the mobile station which identifies the function to be

added or changed, as well as any corresponding change to the screen displays. In particular, Vanttila describes a technique in which features that are pre-stored within a radiotelephone can be activated or deactivated as a result of communication between the radiotelephone and an operator's site. As shown in Figures 3A and 3B of Vanttila, a plurality of features are pre-stored by the radiotelephone with the features capable of either being enabled or disabled. In order to enable any previously disabled feature or to disable any previously enabled feature, SMS messages are transmitted between the operator's site and the radiotelephone to appropriately enable/disable the respective feature(s). As indicated by Figures 4 and 5, this exchange of SMS messages can be initiated by either the radiotelephone or the operator.

In this regard, Vanttila discloses the provision of a feature code and an identification code via an SMS message which identifies a particular feature to enable or disable. The feature code or identification code are therefore one time use codes that enable or disable the corresponding feature thereafter. Thus, in the techniques disclosed in Vanttila, the functionality of a mobile station is enabled or disabled via a single use message and the functionality is set in accordance with the instructions of the last message until another message changes the enablement state of the corresponding feature. Accordingly, Vanttila fails to teach or suggest the downloading of an operational parameter that is repeatedly used pursuant to subsequent communications.

Hansson describes a technique for providing a mobile station with new operating software. In this regard, Hansson describes the transmission of an SMS message to the mobile terminal indicating that new operating software is available and, if the mobile terminal accepts, the subsequent download of the operating software during a call established with the mobile station (col. 2, lines 56-57 and col. 3, lines 48-52). As such, Hansson describes a technique in which the software that controls the operation of a cellular telephone is to be updated. As discussed previously during the prosecution of the present application, the downloading of updated software is distinct from the operational parameters downloaded to the mobile-station for repeated use during subsequent communications as set forth by independent claim 21.

Since none of the cited references alone teach or suggest establishing a direct call to download an operational parameter **being repeatedly used pursuant to subsequent communications** as claimed in independent claim 21, any combination of the cited references

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likewise fails to render independent claim 21 obvious for at least the same reasons described above. Independent claims 24, 26 and 28 have also been amended to include a similar recitation to that of independent claim 21 with respect to establishing a direct call to download an operational parameter being repeatedly used pursuant to subsequent communications.

Accordingly, independent claims 24, 26 and 28 are patentable for at least the same reasons that independent claim 21 is patentable. Claims 2-4, 7-11, 14, 15, 19, 20, 22, 25, 27 and 29 depend either directly or indirectly from respective ones of independent claims 21, 24, 26 and 28, and thus include all the recitations of their respective independent claims. Therefore, dependent claims 2-4, 7-11, 14, 15, 19, 20, 22, 25, 27 and 29 are patentable for at least those reasons given above for independent claims 21, 24, 26 and 28.

Accordingly, Applicant respectfully submits that the rejections of claims 2-4, 7-11, 14, 15, 19-22 and 24-29 are overcome.

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**CONCLUSION**

In view of the amended and newly presented claims and the remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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